

In The United States District Court
for the Northern District of Illinois
Eastern Division

FILED

SEP 11 2002

JUDGE JOHN A. NORDBERG
UNITED STATES DISTRICT COURT

THE MONOTYPE CORPORATION,
a Delaware corporation,

Plaintiff,

vs.

RED HAT, INC.,
a Delaware corporation,

Defendant.

No. 02 C 3713

Judge Nordberg

Magistrate Judge
Geraldine Soat Brown

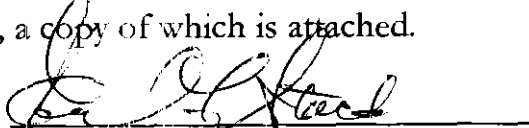
DOCKETED
SEP 13 2002

NOTICE OF EMERGENCY MOTION

To: Jonathan D. Sasser
Moore & Van Allen PLLC
One Hannover Square
Suite 1700
Raleigh, North Carolina 27601

Alan L. Unikel
Christopher E. Paetsch
Seyfarth Shaw
55 East Monroe Street
Chicago, Illinois 60603

Please take notice that on the 12th day of September, 2002, at 3:30 p.m., we will appear before the Honorable John A. Nordberg, United States District Judge, in Room 1801, 219 South Dearborn Street, Chicago, Illinois, and then and there present **PLAINTIFF'S EMERGENCY MOTION TO CLARIFY REFERRAL TO MAGISTRATE JUDGE**, a copy of which is attached.



One of the attorneys for the movant

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Paul F. Stack
STACK & FILPI CHARTERED
Suite 411
140 South Dearborn Street
Chicago, Illinois 60603-5298
(312) 782-0690

CERTIFICATE OF SERVICE

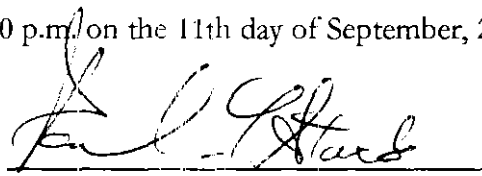
The undersigned hereby certifies that he served a copy of the foregoing Reply Memorandum in Support of Plaintiff's Motion for a Preliminary Injunction to the following persons:

Jonathan D. Sasser
Moore & Van Allen PLLC
One Hannover Square
Suite 1700
Raleigh, North Carolina 27601

by depositing a copy of such document in an envelope addressed as aforesaid, with proper first class postage prepaid, into a United States Postal Service receptacle at Chicago, Illinois, on or before the hour of 5:00 p.m. on the 11th of September, 2002, and by serving

Alan L. Unikel
Christopher E. Paetsch
Seyfarth Shaw
55 East Monroe Street
Chicago, Illinois 60603

by hand delivery on or before the hour of 2:00 p.m. on the 11th day of September, 2002.


PAUL F. STACK

**In The United States District Court
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**JUDGE JOHN A. NORDBERG
UNITED STATES DISTRICT COURT**

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**PLAINTIFF'S EMERGENCY MOTION TO
CLARIFY REFERRAL TO MAGISTRATE JUDGE**

Now comes THE MONOTYPE CORPORATION, plaintiff herein, by its attorneys, PAUL F. STACK and ROBERT A. FILPI, and, moves this Honorable Court to clarify its order of referral in this proceeding to Magistrate Judge Geraldine Soat Brown. In support of this motion, movant states:

1. On August 14, 2002, this Honorable Court entered an order referring certain matters in the instant proceeding to Magistrate Judge Brown. A copy of the order is attached as Exhibit "A" hereto.

2. A minute order was entered on the same day reflecting the entry of this order of referral. A copy of the minute order is attached as Exhibit "B" hereto.

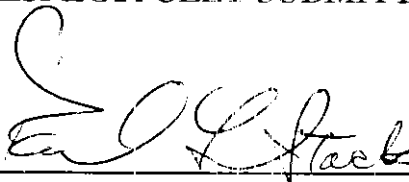
3. The minute order reflects the referral of the pending and fully briefed motion for preliminary injunction to Magistrate Judge Brown. However, the order of referral does not refer the motion for preliminary injunction to Magistrate Judge Brown.

4. Because of the discrepancy between the minute order and the referral order, Plaintiff does not know whether the motion for preliminary injunction has been referred to Magistrate Judge Brown. At a status hearing on September 11, 2002, Magistrate Judge Brown stated that the motion for preliminary injunction had not been referred to her.

5. Consideration of the plaintiff's motion for preliminary injunction, which has been pending for many weeks, is of utmost importance to plaintiff. The conduct of Defendant complained of in the motion for preliminary injunction continues unabated and is causing great and irreparable injury to Plaintiff.

WHEREFORE, Plaintiff moves for entry of an order clarifying whether the motion for preliminary injunction has been referred to Magistrate Judge Brown.

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, appearing to read "Paul F. Stack", written over a horizontal line.

One of the attorneys for Petitioner

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Robert A. Filpi
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